

Can a physician or other mental health service provider choose not to follow my DMHT?

Yes. If there is an emergency that places your health or life in danger, or if the mental health service provider, as a matter of conscience, cannot follow your DMHT, then they can legally choose not to follow your DMHT. In addition, if you are hospitalized against your will, your DMHT may not be followed. If this occurs, a Treatment Review Committee must review the proposal to not follow your DMHT so that it is not only one doctor or mental health professional making that decision.

Does a DMHT affect your insurance benefits?

No. A DMHT is not related to insurance benefits or payment for services. When completing a DMHT, you should consider the limitations of your insurance benefits. For example, if you request a service provider that is not approved by your insurance provider, you may have to pay for that service out of your own pocket.

Does a DMHT need to be notarized?

No. The DMHT does not need to be notarized.

Where can I find another copy of the DMHT form?

A DMHT form is available at the Tennessee Department of Mental Health and

Substance Abuse Services website:
<http://tn.gov/mental/legalCounsel/olc.html>.
This form is also available from the TDMHSAS Office of Consumer Affairs and Peer Support Services by calling toll-free 1-800-560-5767.

Definitions

Electroconvulsive or other convulsive therapies:

Treatments for depression that use electric shock or chemical agents to induce mild seizures. Electroconvulsive therapy is sometimes called ECT or “shock therapy”.

Informed Mental Health Treatment Decision:

A decision made by a person with mental illness who has the ability to understand the proposed procedures, their risks and benefits, and the available alternative procedures.

Mental Health Service Provider:

An agency or a person who provides mental health services and supports.

Mental Health Facility:

An agency or facility licensed to provide mental health services and supports.

Psychoactive Medication:

A drug that acts directly on the central nervous system to influence consciousness, mood, and awareness.

Revoke:

To withdraw, cancel, or take back.

Service Participant:

A person who is receiving services, has applied for services, or for whom someone has applied for or proposed services because the person has mental illness or serious emotional disturbance. Service participants can be called consumers, clients, or patients.



Tennessee Department of Mental Health and Substance Abuse Services



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The Tennessee Department of Mental Health and Substance Abuse Services is committed to the principles of equal opportunity, equal access and affirmative action. Contact the TDMHSAS EEO/AA Coordinator at (615) 532-6580, Office of Human Resources; the Title VI Coordinator at (615) 532-6510; or the ADA Coordinator at (615) 532-6700 for further information. People with hearing impairments should contact the department by email at OC.Tdmhsas@tn.gov.

DECLARATION FOR MENTAL HEALTH TREATMENT

FREQUENTLY ASKED QUESTIONS



Tennessee Department of Mental Health and Substance Abuse Services

developed this form based on
Tennessee Code Annotated, Title 33, Chapter 6, Part 10.

Completing a Declaration for Mental Health Treatment

Frequently Asked Questions

Tennessee Department of Mental Health and Substance Abuse Services

What is a Declaration for Mental Health Treatment?

A Declaration for Mental Health Treatment (DMHT) is a legal document where you can write down your wishes in case of a mental health crisis. You can write down mental health treatments and medications that are okay with you and any that are not okay with you. You can write down what it looks like when you are in a mental health crisis and need help. Some people like to write down which hospitals they prefer and which mental health agencies they prefer, too.

Who can make a DMHT?

Anyone sixteen (16) years of age or older, or an emancipated minor with capacity to make informed mental health treatment decisions.

Can you be required to fill out a DMHT?

No. Tennessee law specifically states that

you cannot be required to complete a DMHT. In particular, a mental health service provider or a health insurance plan cannot require you to complete a DMHT in order to access services.

When may a DMHT be used?

A DMHT is used when you are unable to make informed decisions about treatment due to a mental illness. Note: A DMHT is only in effect when you are unable to make informed mental health treatment decisions.

What are the advantages of having a DMHT?

A DMHT allows you to plan and guide your mental health treatment according to your stated wishes if you later become unable to make informed decisions about your mental health treatment.

What areas of treatment can be covered by a DMHT?

A DMHT allows you to state which mental health treatments are, or are not, okay with you. You can make your wishes known about three types of mental health treatment:

1. Medications
2. Electroconvulsive and other convulsive therapies
3. Psychiatric hospitalization (for up to fifteen (15) days)

Who can help you fill out the form?

Anyone can help you complete the form. Many

community mental health organizations have peer staff members who may be able to help you. Remember: A DMHT cannot be signed on the premises of a mental health service provider because the people who wrote the DMHT rules want to make sure you aren't pressured to write down anything you don't want to.

Who can I choose to be my witnesses to my DMHT?

Pick two adults who already know you. You cannot pick anyone who works for a mental health facility because the people who wrote the DMHT rules want to make sure you aren't pressured to write down anything you don't want to. At least one of the witnesses cannot be related to you by blood, marriage or adoption, or be someone who, at the time of signing, would benefit from your will or be entitled to any portion of your estate in the event of your death.

How can I make sure that the people who provide my mental health treatment know about my wishes?

You should give a copy of your completed DMHT to your mental health service provider and anyone who may help you when you are not able to make informed mental health decisions. You may want to give a copy to your medical doctor. You should discuss your DMHT with these individuals and keep a copy for yourself. Note: Many insurance providers

are willing to keep a copy of your DMHT on file for you so that if you do have to be hospitalized, the insurance provider can send a copy of your DMHT to the hospital.

How can I change my DMHT?

If you are able to make informed mental health treatment decisions, you may change your DMHT at any time. You can make these changes verbally or in writing. You may also cancel an old DMHT and create a new one. It is important to give a copy of the new DMHT to the same people you gave your previous declaration. You should also give a copy to your service provider.

What happens if a court appoints a conservator?

If a court appoints a conservator to make mental health treatment decisions for you, your DMHT remains in effect and overrides the conservator with respect to mental health treatment covered under the DMHT.

What is the responsibility of the physician or other mental health service provider?

The physician or other mental health service provider must assess your capacity to make informed decisions about your treatment. Generally, the physician or other service provider will follow the DMHT only when you lack the capacity to make informed mental health treatment decisions.